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NGOs ADVOCATION AND GOVERNMENT INTERVENTION IN THE PROCESS OF SOCIAL REHABILITATION FOR LAPINDO MUDFLOW DISASTER VICTIMS IN SIDOARJO, EAST JAVA, INDONESIA

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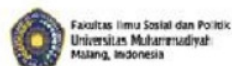
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ON GOVERNANCE (ICG)2014

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1 NGOs ADVOCATION AND GOVERNMENT INTERVENTION IN THE PROCESS OF SOCIAL REHABILITATION FOR LAPINDO MUDFLOW DISASTER VICTIMS IN SIDOARJO, EAST JAVA, INDONESIA

Oman Sukmana¹

ABSTRACT

The Lapindo mudflow disaster has resulted in physical and non-physical tremendous, causing a crisis for the social life of citizens in Porong, and surrounding areas. To address the impact of the Lapindo mudflow disaster needed help advocacy NGOs and government intervention in various forms of social rehabilitation programs. This study aims to identify and describe how the Lapindo mudflow disaster impact and the role of advocacy NGOs and the government intervention in the process of social rehabilitation for victims of the Lapindo mudflow disaster. The results showed that the Lapindo mudflow disaster has resulted in the destruction of the physical form of settlement areas, rice fields, agricultural, and industrial area of 1,071 hectares, about 16 villages and 33 factories were destroyed, approximately 48,983 people were displaced, and 33 schools were destroyed, as well as non-physical impacts such as social, health, education, psychological, economic, and so on. Social advocacy by NGOs include mentoring programs and litigation efforts. While government intervention in the process of social rehabilitation for victims of the Lapindo mudflow disaster stated in the policy as stipulated by Presidential Decree, namely Presidential Decree No. 14/2007, Presidential Decree No. 48/2008, Presidential Decree No. 40/2009, Presidential Decree No. 37/2012, Presidential Decree No. 33/2013. Forms of government intervention include facilitation of policy, institutional, and budgetary allocations.

Keywords: Advocacy, Intervention, Social Rehabilitation, Lapindo Mudflow Disaster.

PRELIMINARY

Dated May 29, 2006 to the beginning of the emergence of the Lapindo mudflow disaster. Mud with a volume between 100 thousand to 150 thousand M3 per day, out of the bowels of the earth and the area drowned residential areas, agriculture, and industry (Batubara & Utomo, 2012:3)². The central location of the Lapindo mudflow in District of Porong, Sidoarjo regency, approximately 12 km south of the town of Sidoarjo. Mudflow central location about 15 meters from the Banjar Panji-1 (BJP-1), which is a gas exploration well owned by PT Lapindo Brantas Inc. (PT LBI), as the Brantas block operator. Brantas block area stretches from regency of Jombang, Mojokerto, Sidoarjo to Pasuruan, East Java Province. Lapindo mudflow location is a residential area and the main industrial area in East Java. Not far from the location of the mudflow there is a toll road-Gempol Surabaya, Surabaya-Malang highway and Banyuwangi-Surabaya-

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Pasuruan highway, and the cross-track Railways East Surabaya-Malang and Surabaya-Bayuwangi pathway.

According Prasetia and Batubara (2010:40)³, Lapindo mudflow disaster is a disaster that is very complex when viewed from the genealogy of the disaster. Theoretical debates involving experts from all over the world. Generally, expert opinion was split into two camps, who argue that the disaster was caused by drilling activity in gas exploration wells Banjar Panji-1 (BJP-1) belong to PT LBI, and among those who argue that the mudflow disaster caused by reactivation of regional faults Watukosek due Yogyakarta earthquake on May 27, 2006, two days before the Lapindo mudflow disaster occurs.

A meeting of petroleum geologists in South Africa, has concluded a mud volcano in Indonesia was caused by the drilling of a gas exploration well, not an earthquake that occurred a few days before. After debating new evidence, 42 out of the 74 American Association of Petroleum Geologists (AAPG) scientists in the audience were convinced the drilling was the trigger of the eruption and only three voted for the earthquake. A further 16 believed the evidence was inconclusive, and the remaining 13 felt that a combination of the earthquake and drilling was to blame. The finding of the AAPG conference adds weight to the opinion of several geologists who have found the mudflow from the volcano, dubbed 'Lusi' by locals, is the direct result of the drilling⁴.

The Government established that the phenomenon of the Lapindo mudflow in Sidoarjo as natural disasters. Based on the decision of the Central Jakarta District Court dated November 27, 2007, stating that the government and Lapindo not guilty of an unlawfull act. Jakarta High Court verdict on June 13, 2008, strengthen the Central Jakarta District Court judgement of November 27, 2007, that the Sidoarjo mudflow incident because the natural tendency is more dominant symptom, not a human error. Decision of the Supreme Court of (MA) cassation, Apeil 3, 2009, stated that the mudflow was a natural phneomenon and not the fault of the industry and this decision has permanent legal force (*inkracht*).

Untill 2013, Lapindo mudflow disasater has been running about seven years. However mudflow has not shown signs of stopping, although the volume is somewhat diminished. Not yet certain when the mudflow will stop. According to Richard Davies⁵ and his colleagues, it is difficult to predict when the certainty of Lapindo mudflow will stop. However, the possibility of mudflows will be extinguished predicted about 26 years. Thus, the Lapindo mudflow disaster expected to stop in the year 2037 that will come.⁶

This study aims to describe and know how the Lapindo mudflow disater impact and how form and the role of governmnt intervention in the process of social rehabilitation of the victim of the Lapindo mudflow disaster.

RIVIEW OF LITERATURE

Disaster is seen as a condition or a situation, whether caused by human actions or natural, that is sudden and occurs gradually, leading to chaos and widespread loss of life, material, as well as the environment such that it exceeds the capacity of affected communities to deal with the use of the ability of its own resources. In line with the

understanding of disaster, it is seen as a social disaster situation caused by human actions, which are sudden and occur gradually, leading to chaos and widespread loss of life, material, as well as the environment such that it exceeds the capacity of affected communities to handle using its own resource capabilities. Social disaster like this can be caused by social conflict openly and widely, war, or other social unrest⁷.

Rehabilitation is the repair and restoration of all aspects of the public service or a community to an acceptable level in post-disaster areas with the main goal for the normalization or goes fairly all aspects of government and society in post-disaster areas. Rehabilitation is done through the following activities: (a) improvement of environmental disaster areas; (b) improvement of public infrastructure and facilities; (c) relief society home improvement; (d) psychosocial recovery; (e) health services; (f) reconciliation and conflict resolution; (g) socio-economic of culture; (h) restoration of peace and order; (i) recovery of the functions of government; and (j) the recovery function public service⁸.

Therefore, the social impact of the disaster exceeds the capabilities of the victims to deal with their own resource capability, then the necessary social rehabilitation to advocacy (assistance) and social intervention (interference) of social outsiders. According to Abdul Hakim Nusantara (Miller & Covey, 2005: vii)⁹, advocacy is defined as the act or process to defend or support. Support to community groups was intensified by weak individual, groups, non-Governmental Organization (NGOs), and community organizations that have a concern for the problems of human rights, the environment, poverty, and other forms of injustice. In a wider sense, advocacy is a political process by individuals or groups that are generally aimed at influencing public policy and resource allocation decisions within political, economic, or social institutions and systems. Advocacy can include many activities (form), such as: Budget advocacy, Bureaucratic advocacy, Health advocacy, Ideological advocacy, Interest-group advocacy, Legislative advocacy, Mass advocacy, and Media advocacy¹⁰.

Samuel (2007: 616)¹¹ states that public advocacy is a deliberate set of actions designed to influence public policy or public attitudes in order to beguile those who are marginalized. The main difference between public advocacy and human-centered advocacy is that the goal of human-centered advocacy to empower people, especially people who are marginalized. In the context of liberal democratic culture, is used as an instrument of public advocacy decoration by applying the meaning of non-violence and constitutional. Public advocacy as a political process driven by value, as it seeks to challenge and change the unequal power relationships that result in people marginalized socially, political, and economically. Advocacy process include: (1) reject unequal power relations in every level, including patriarchy, from a personal to the public, from family to government; (2) involve government agencies to empower marginalized parties; (3) create and use "space" in the system for a change; (4) strategies using knowledge, skills, and opportunity in influencing public policy; and (5) integrate the micro-level activity and macro-level policy initiatives.

Furthermore, Samuel (2007: 616)¹² conducted a study on the process of advocacy in India. According to Samuel, in the Indian context, grassroots organization and mobilization is used to build awareness and demand rights as citizens, and ensure the credibility, legitimacy, and the bargaining power of public advocacy. In India, one of the many advocacy of social justice is the application of legislation (social injustice legislation) and social security programs. Including progressive legislation such as the Equal Remuneration Act, the Dowry Prohibition Act, the Bonded Labour Prohibition Act, and the Prevention of Atrocities against Schedule Caste and Scheduled Tribe Act.

The party that advocates departs from an understanding and belief that the injustices inflicted on the poor or oppressed communities, due to the birth order of asymmetrical social power relations are unequal. Power relations are unequal and undemocratic that could produce the decision-making process and mechanisms that deny the participation of the poor (marginalize groups). Decision-making processes and mechanisms that are not democratic in itself produces a variety of policies that harm the rights and interests of the poor (marginalized-groups). In this perspective, advocacy is an activity planned jointly by community groups, for the purpose of transforming the system of social relations that gave birth asymmetrical power relations are not democratic towards the realization of the social fabric underlying symmetrical power relations more democratic and fair. Toward the ideal society that advocacy activities are planned and performed.

In the Indonesian context, advocacy activities undertaken by NGOs and grassroots organizations include various forms of advocacy such as: education, awareness, and organizing groups of poor people, providing legal assistance activities that promote litigation or defense of the rights and interests of the poor in the front court. Lobbying activities to the centers of decision-making with respect to environmental management by NGOs engaged in advocacy and environmental law, such as the Indonesian Legal Aid Foundation (YLBHI), the Indonesian Environmental Forum (Walhi), and many other environmental organizations. Similarly, the consumer society of Indonesia through the Indonesian Consumers Foundation and other consumer NGOs have long been advocating the rights and interests of consumers through education and awareness programs, litigation, and lobbying to the centers of decision-making in order to birth a policy that is responsive and productive the rights of consumers.

Furthermore, Miller and Covey (2005:13)¹³ states that the approach to advocacy can be varied depending on the political context in which the organization works. Advocacy strategies can vary from approaches that emphasize co-operation with the authorities to approach that focuses on education and appeals, and finally to openly oppose the approach and the use of combined strategies are mutually reinforcing. For example, one of the NGOs working in Africa under an authoritarian regime approaches behind the scenes to create change. In the Philippines, in the case of the Urban Land Restructuring where a broad coalition of NGOs, housing associations, and major church leaders using approaches that range from demonstrations in the street to a banquet held by the Catholic bishops to important commissions in Congress and the drafting of legislation to important committees in Congress. In Ecuador a strong national indigenous movement in collaboration with supporters of the ruling church as well as important international NGOs allied to overturn legislation that would eliminate legal protections on lands owned by indigenous. For fear that their land will eventually disappear, the Indian movement using a wide range of advocacy strategies and tactics to achieve their goals. First they ask the advice of the members on the impact of the law, gather knowledge and the findings of their grass roots and then mobilize the members to open up political space for

negotiation with the government. To expand the space, they blockaded highways, occupied government buildings, causing media coverage, using the court system to obtain a favorable decision when the army intervened, and spoke with officials from major bank in Washington. These actions ultimately led to negotiations with the country's president and other government leaders to produce significant concessions that eliminate most of the legal aspects of an unbearable it.

Meanwhile, referring to the process of social intervention intervention through changes in ongoing social relationships (Bennett, 1987:13)¹⁴. Social intervention process, including how to start a change, evolve, and survive in the social world. According to Parson (Bennett, 1987:13)¹⁵, social intervention related to the process of changing the system, not the process of change in the system. Change the system is related to changes or transformations that try to overcome problem in the system.

According to Loewenberg (1977:7)¹⁶, in the context of social work, the term social interventions emphasize the active participation, aim, and planned both by the client and social worker in every phase of the process of social intervention. Intervention activities are a response to a specific problem or condition the occurrence of an effort to prevent the development of problems in individuals, groups, or communities. Furthermore, Loewenberg (1977: 25)¹⁷ states that the processes of social intervention include: (1) Problem Recognition, (2) Request for Help, (3) Preliminary Assessment, (4) Problem Assessment and Goal Identification; (5) Strategy Development, (6) Contract Negotiation; (7) Implementation of Strategy; (8) Feedback and Evaluation, and (9) Termination.

Critical intervention is one of the techniques used in handling (rehabilitation) social disaster victims. Critical interventions, ie interventions that aim to provide as much support and assistance to individuals and families, in order to allow people who helped regain psychological balance as quickly as possible¹⁸. According to Roberts (Payne, 1997: 101), the steps in the critical interventions include: (1) to assess risk and safety of clients and others, (2) establish rapport and communication with clients; (3) major identity problems; (4) deal with feelings and provide support; (5) explore possible alternatives, (6) formulate an action plan; and (7) provide follow-up support.

RESEARCH METHODS

This study uses an interpretive-constructivist paradigm. All research is characterized by an interpretive guided by a set of beliefs and feelings about the world and how to understand and study it (Denzim & Lincoln, 2009:16)¹⁹. According Denzim and Guba (Salim, 2001:71)²⁰, the purpose of research of the interpretive-constructivist paradigm is to hold a reconstruction of understanding and social action. According Marvasti (2004:8)²¹, the purpose of the research constructionism is concerned with how cultural and situational variation in coloring (shape) a reality. The research approach used is

qualitative approach. According Denzim and Lincoln (2009:6)²², the word qualitative implies an emphasis on processes and meanings that are not rigorously examined or has not been measured in terms of quantity, amount, intensity, or frequency. Types or methods used in this study is phenomenology. According Denzim and Guba (Salim, 2001:89)²³, phenomenology is the method is a method of research with a qualitative approach. Similarly, Creswell (2007: 53)²⁴ which states that phenomenology is one of the five approaches to qualitative inquiry. Data collection techniques include interviews, observation, and documentation.

RESULTS AND DISCUSSION

Lapindo mudflow disaster impact:

Lapindo mudflow disaster on May 29, 2006 are already affecting people and the environment in the district of Sidoarjo, particularly in areas in three districts well into the Affected Area Map and outside the region Affected Areas map, namely: Porong, Tanggulangin and District Jabon. Lapindo mudflow disaster has destroyed about 16 villages, of which 1,071 acres area that includes the area of agriculture, aquaculture, industrial, and residential areas must be vacated, either by drowning or due to mudflow declared uninhabitable as a result of social, subsidence, and the danger of blowouts. While more than about 15,788 households or 48,983 people had to move from their home residence to a new place.

Lapindo mudflow disaster impact than in changes in the region Porong, Tanggulangin, and Jabon due to the loss of some areas due to drowning or uninhabitable mud, also has led to changes in various aspects, such as: economic, social, environmental, education, and so on.

Damaged assets consist of: (1) Land and building residential population, (2) productive crops, such as rice, sugarcane, and pulses, (3) building and plant equipment, and (4) infrastructure, such as highways, power lines, irrigation systems, water supply networks, telecommunication networks, gas pipelines, etc..

Economic losses due to mudflow at least divided into two, namely direct cost or indirect losses of Rp 50 billion per day, and the indirect costs or indirect losses of Rp 500 billion per day. According to the Governor of East Java, Soekarwo, with reference to the results of studies of the Faculty of Economics, University of Brawijaya, Lapindo mud disaster losses reach Rp 33 trillion per year.

The data in 2009, as many as 3,562 workers affected by layoffs from several companies closed and several other companies to make cuts workers/employees. 2,302 temporary workers mudflow victims still in limbo without a job due to the factory mud. According to the Indonesia National Human Rights Commission (Komna HAM), the public's right to work or create new jobs also disappeared mud. According to recent data (2013) as described by the chairman of the Association of Company Lapindo Mudflow Victims (GPKLL), Drs. S.H. Ritonga, that there are 33 companies/factories are forced to close due to waterlogged mud which caused approximately 10,000 employees (workers) lose his job. In the field of education, at least about 33 school buildings ranging from kindergarten to high school destroyed mud. As a result, 5,397 students have transferred

to another school or studying at school emergency. Such conditions are a threat to the school dropouts.

The material losses triggered non-physical impacts on the communities that have resulted in loss of no less value to the loss of material, namely socio-cultural losses, and losses of psychology and public health. Non-physical impact is not yet a major concern those responsible, which should also provide compensation to the affected people affected by the damage, socio-cultural, psychological and health. For example, socio-cultural impact of the destruction of the social order, values, norms, and traditions that have already built dozens or even hundreds of years in the life of the community; health effects, namely the emergence of a variety of illnesses suffered by the victims of the Lapindo mudflow disaster, such as : Acute Respiratory infections (based on reports of three health centers in the three districts affected, there is a significant increase in the number of patients with respiratory disorders), skin cancer, cough-cough, etc.; psychological impact, such as the emergence of feelings of worry, stress, and even depression.

Advocacy NGOs:

Advocacy efforts of NGOs for victims of Sidoarjo mud conducted through the litigation process, which includes:

First; action lawsuit against the law and violations of Human Rights (Ham) in Sidoarjo hot mudflow case by the Indonesia Legal Aid Foundation (YLBHI: *Yayasan Lembaga Bantuan Hukum Indonesia*).

In December of 2006, approximately eight months after the Lapindo mudflow, Lapindo mudflow victims to take action in the form of tort claims and violations of Ham. Action of social movements the Lapindo mudflow victims in order to demand accountability to the government and PT. LBI violations of Human Rights. This action is supported and represented by a team, the "Humanitarian Advocacy Team Sidoarjo Mud Victims", which consists of 59 public advocates and assistant public advocate of the Indonesian Legal Aid Foundation (YLBHI). Victims Humanitarian Advocacy Team Lumpur Sidoarjo, take action lawsuit against the law in the case of Lapindo mud. Letter of claim submitted to the Chairman of the District Court (Pengadilan Negeri) Central Jakarta, on December 8, 2006, in case No.. 384/Pdt.G/2006/PN.JKT.PST²⁵.

Victims Humanitarian Advocacy Team on behalf of the Sidoarjo mudflow victims of the Lapindo mudflow disaster, sued the defendant, namely: the President of the Republic of Indonesia (the first defendant), the Minister of Energy and Mineral Resources (the second defendant), the Minister of Environment (as the defendant III), Oil and Gas Executive Agency (as the defendant IV), the Governor of East Java (named as defendants V), Regent of Sidoarjo (named as defendants VI), and the PT. Lapindo Brantas Incorporated (as the co-defendant). According to the plaintiffs, the defendants have committed acts against the law in the case of Sidoarjo mud. According to the plaintiffs, that even from the beginning has to be taken into account would cause adverse impact on the environment and humanity, the defendant did not take the necessary measures to anticipate the impact of the mudflow in the early days of the mudflow. This shows that the defendants, as state officials have not acted in accordance with its legal obligations.

According to the Indonesia Legal Aid of Foundation (YLBHI), that the loss caused by the mudflow and protracted treatment include the following losses: (1) the right to life in the form of loss of life due to its gas pipeline explosion on November 22, 2006: (2) The right to life viable form of declining quality of life of people who suffer the hot mudflow direct and indirect victims of the wider community affected by the hot mudflow, (3) the right to freedom from fear experienced by victims and potential victims and society in Sidoarjo and surrounding areas including fishermen in the Madura strait, (4) the right to housing experienced by victims who have lost their homes due to hot mudflow, (5) the right to work in the form of loss of livelihood and employment due to hot mudflow, (6) the right to education in the form of loss of educational opportunities due to undergo hot mudflow; (7) children's rights in the form of dispossession of the rights of children to acquire good care of his parents, to play and be creative, and take part in education, due to hot mudflow; (8) women's rights a loss of protection to women, especially girls and women due to hot mudflow, and (9) in the form of loss of proprietary property belonging to victims of the hot mudflow.

The Indonesia National Human Rights Commission (Komnas HAM) concluded several human rights violations caused by the Lapindo mudflow in Porong-Sidoarjo, East Java. As for some of the violations of human rights such as the rights to life. Based on the findings of the national Commission on Human Rights, the government failed to meet the standards and the right to a decent environment. Another breach in terms of the right to information. It is focused on information related to disenfranchise the drilling project is done, then the right to security against the threat of a mud embankment collapse at any time submerge homes. In this case, the government also did not make the early warning system. Coupled with the emergence of gas bubbles that could potentially cause a fire. Not only that, Lapindo mud disaster in Sidoarjo Porong also eliminates the right of self-development, the right to housing, right to food, right to health, right to work, as well as the right to education. Because the mud disaster, carrying 2,288 people stopped working due to the factories where they worked was not operating. Then there are 33 schools are damaged so that 1,774 students from elementary, junior high, high school, and a boarding school lost a place to learn because they are inundated by mud²⁶.

The Indonesia National Commission on Human Rights, also noted, due to the mud disaster, the victims lost welfare rights (property rights) of the assets they lost snatched away the mud. It also has implications for the loss of a family and the right to continue the descent. National Commission on Human Rights of Indonesia also mentioned that in the context in Porong Sidoarjo mud disaster, the government or the responsible party has also violated the rights of vulnerable groups such as the disability, the elderly, children, and women. Proven in the field, there is no special treatment for pregnant women and there is no guarantee of security against girls from violence or sexual abuse because there are no specific separation between men and women. With the violation of the rights of the victims of the mud, then it implies their right to social security is also not met at all.

Plaintiff appealed to the District Court Judge for the Central Jakarta deign hear and determine the following: (1) Receiving and for entirely in favor of PLAINTIFF, (2) stated that the Defendant and Co-defendant has done tort, (3) Punish THE DEFENDANT to issue a policy that co-defendant ordered to restore the rights of the victims of the mudflow in Sidoarjo with the provision that the affected communities regain their rights to equal or better value as the original state before the mud volcano coupled with full responsibility for the victims have not been met rights, (4) party defendant Ordered co-defendant issued a policy in order to be together soon stop the mudflow to mobilize all

available resources and consider the Peoples rights, including the right to a healthy environment; (5) order the parties Defendant issued a policy that can guarantee legally that co-defendant would bear the entire costs that have been and will be incurred related to the reduction in Sidoarjo hot mudflow and the restoration of the rights of victims, (6) Defendant ordered to instruct the ranks of law enforcement agencies explicitly take legal action expressly, law enforcement and prosecution of all those responsible, including responsible business leaders whose activities have triggered the mud volcano; and (7) Orders to the Defendant and Co-defendant to apologize in writing to the victims who announced through 5 (five) national television station, 5 (five) radio stations and 10 (ten) national print media for three consecutive days the contents of which reads as follows:

"We, the President, the Minister of Energy and Mineral Resources of Indonesia, the Minister of State for the Environment, Chairman of the Executive Agency for Upstream Oil and Gas RI; Governor of East Java; Sidoarjo Regent; Lapindo Brantas Incorporated, expressed deep regret over the illegal acts we do related to negligence and negligence do our legal obligations associated with the occurrence of mud volcano that claimed the human rights of the victims and the people of Sidoarjo and surrounding areas, as well as create environmental damage impact material and immaterial losses were large and widespread. Presumably a statement of regret over this tort form the starting point of respect, protection and fulfillment of human rights and environmental management system changes the quality and the quality of benefits used for the greater rights of Indonesian citizens ".

Panel of Judges of the District Court (PN) Central Jakarta rejected claims the Indonesian Legal Aid Foundation (YLBHI) against the government and PT Lapindo Brantas Incorporated (Inc) about the handling of the mudflow. Central Jakarta District Court decision dated 27 November 2007 stated that the government rejected the lawsuit Legal Aid Foundation and PT. Lapindo Brantas Inc., Not guilty of an unlawful act. On hearing the reading of the verdict in the Central Jakarta District Court judges chaired Moefri just consider that PT Lapindo was quite a lot of money to cope with the mud flow. Assembly stated that the government and Lapindo not guilty tort unfulfilled due to the economic, social, cultural and the victims of the mudflow²⁷.

Assembly rejected all claims defendant as a whole. Assembly considered that the government has issued a policy that needs to handle the mudflow that occurred in May 2006, by setting up an integrated management team mud. Meanwhile, PT Lapindo Brantas Inc., Was judged to have a lot of money, of which R1, 6 billion for the refugees and to handle the mudflow and to pay the cost of living allowance (rations) for the refugees. "Since the mudflow occurred at a drilling location on May 29, 2006, refugees have been evacuated to Porong Market with transportation provided by Lapindo. Lapindo also have to pay the contract fee and the cost of the displaced school children of the victims, "said Martini Mardja.

The Indonesian Legal Aid Foundation (YLBHI) formally appealed the decision of the Central Jakarta District Court, which refused Legal Aid Foundation lawsuit-related cases of Lapindo mudflow. Appeal itself is done by the decision of the judges is weak. Grounds of appeal do Legal Aid Foundation, because it still believes the decision of the judges have a substantial number of weaknesses. One of them was the judges not to consider any violation of rights fulfillment of economic, social, and cultural victims, such as the loss of homes, jobs, land, and so on. But the High Court (PT) in Jakarta on June 13, 2008 it upheld the verdict the District Court (PN) in Central Jakarta on November 27,

2007 stating that the Sidoarjo mudflow incident because of the tendency of nature is more dominant, not because of human error.

Furthermore the Indonesia Legal Aid Foundation (YLBHI) filed an appeal to the Supreme Court. However the decision of the Supreme Court on 3 April 2009 rejected the appeal stating that the Indonesia Legal Aid Foundation of the mudflow is a natural phenomenon and not the fault of the industry, and this decision has permanent legal force (inkracht). In his statement in the House of the Supreme Court (MA), Central Jakarta, Head of Public Relations of the Supreme Court, Nurhadi said that the appeals by the Legal Aid Foundation to Lapindo won Lapindo. Nurhadi also explained, that the rejection of an appeal by the Legal Aid Foundation repetition of the arguments that have been proposed previously, and the results of evidence submitted can not be considered on appeal²⁸.

Second; Action Lawsuit Indonesian Forum for the Environment (Walhi). Along with the lawsuit in the District Court of Central Jakarta Legal Aid Foundation, Indonesian Forum for Environment (Walhi) also initiate a case in the South Jakarta District Court.

The Indonesian Forum for the Environment (Walhi) filed a lawsuit against PT Lapindo Brantas and the government because it is considered responsible for the environmental damage caused by the mudflow in Sidoarjo. Civil suit was filed to the South Jakarta District Court. While the lawsuit against the government, because the government has disregarded and deemed not to control. Walhi sued 12 parties, namely: Lapindo, PT Energi Mega Persada, Kalila Energy Limited, Pan Asia Enterprise, PT Medco Energy, Santos Australia Limited. From the government, which sued the President, the Minister of Energy and Mineral Resources, the Executive Agency for Upstream Oil and Gas, Ministry of Environment, the Governor of East Java and Sidoarjo Regent²⁹.

But apparently Walhi lawsuit against PT. Lapindo Brantas Inc., and the government was rejected by the South Jakarta District Court in Jakarta. South Jakarta District Court, on the 27th of December 2007, dismissed the suit filed legal standing the Indonesian Environmental Forum (Walhi) on Lapindo mudflow case. In the verdict, the judges won 12 defendants, including PT Lapindo Brantas Inc., and the government. Judge considers, mudflow at the Banjar Panji-1, Sidoarjo, East Java, is a common natural phenomenon. This decision is considered Walhi as environmental injustice. The reason the panel of judges in a ruling that was read out yesterday because the defendant PT Lapindo Brantas Inc., acquitted of committing a tort in the mudflow case that resulted in damage to the environment as Walhi sued. Although rejected Walhi lawsuit, but the judge insisted that the defendants claimed to fulfill the moral responsibility that is designed to stop the mudflow.

Walhi subsequent appeal in the level of High Court of Jakarta. But the ruling High Court of Jakarta on October 27, 2008 the South Jakarta District Court upheld the verdict Desember December 27, 2007 stating that the mudflow in Sidoarjo caused by natural phenomena. South Jakarta District Court Clerk a letter dated January 14, 2009 which states each party not filed its objection, so the decision legally High Court of Jakarta on October 27, 2008 and binding (inkracht).

Advocacy efforts undertaken by the NGO of the Indonesia Legal Aid Foundation (YLBHI) and the Indonesian Environmental Forum WALHI in defending the interests of victims of the Lapindo mudflow disaster through litigation turned out a failure.

Government Intervention:

Government intervention in the rehabilitation process of social facilitation manifested in three forms, namely: policy, institutional, and allocation of budget funds.

First; Facilitation Policy. The impact of government policy on the handling of the Sidoarjo mudflow since the events of 2006 to 2013, stated in Presidential Decree, as follows:

1. dated 8 September 2006 presidential decree (Presidential) No. 13 of 2006 on the National Team in the Sidoarjo Mudflow Mitigation (PSLs national team). This team has a duty to take operational steps in an integrated manner in order to control the mudflow in Sidoarjo which include: closure of the mud flow, mudflow handling, and handling of sludge problems. Establishment of National Team in Sidoarjo Mudflow Mitigation does not reduce the responsibility of PT. Lapindo Brantas to perform mitigation and restoration of environmental damage and social problems it causes. Costs required for the implementation of the National Team duties charged to the budget of PT. Lapindo Brantas.
2. dated 8 April 2007 issue Presidential Decree (Decree) Nomo 14 of 2007 on the Sidoarjo Mud Mitigation Agency. Presidential Regulation No. 14 of 2007 replaces the Presidential Decree No. 13 of 2006, thus the existence of the National Response Team Mudflow in Sidoarjo (PSLS) has ended and their duties taken over by the Sidoarjo Mudflow Mitigation Agency (BPLS). BPLS task is dealing with the mudflow mitigation efforts, handles mudflow, addressing social issues and infrastuktur caused mudflow in Sidoarjo, with attention to the smallest environmental risks.

In appendix Presidential Decree Number 14 of 2007 included the area that goes into the Affected Area Map, which is the area submerged in mud, as the proposed national team PSLs. The Affected Area Map entrance area includes four villages namely: Siring Village, Village Jatirejo, Kedung Bendo, and Renokenongo village, then in the Affected Area Map region plus six villages, namely: the village of Ketapang, Kalitengah Village, Village Glagah Arum, Gempolsari Village, Pejarakan, Mindi village, and the village Keboguyang. The total area in the Affected Area Map, ie the area of mud, their full covering 613.4 Ha. Under article 15, Presidential Decree No. 14 of 2007, PT. Lapindo Brantas Inc., required to buy the land and buildings owned by citizens who are in the Affected Area Map region through trading scheme with phased payments, ie 20% prepaid and the rest paid no later than one month before the contract period of 2 (two) years out. But until now the process of buying and selling land and building assets by PT Lapindo Brantas Inc., could not be solved completely. Based on the result of an agreement between the victims of the PT Lapindo Brantas Inc., it was agreed the value of the sale, namely: for the building of Rp 1.5 million per square meter, land for land for Rp 1 million per square meter, and to the land of rice fields Rp 150 thousand per square meter.

3. dated July 17, 2008, issued Presidential Decree No. 48 Year 2008 on Amendment of Presidential Regulation No. 14 Year 2007 on the Sidoarjo Mud Mitigation Agency. One consideration of the issuance of Presidential Decree No. 48 of 2008 is that the mudflow in Sidoarjo have social impact for the community outside the Affected Area Map dated March 22, 2007 (Attachment Presidential Decree No. 14 of 2007). Furthermore, the process of

buying and selling of land and buildings owned by citizens who enter the area outside the Affected Area Map performed by the Sidoarjo Mudflow Mitigation Agency (BPLS) with reference to the amount of the sale price paid by PT. Lapindo Brantas Inc., to ground and the building of community members who are in Affected Area Map. Costs of buying and selling outside the PAT as Presidential Decree No. 48 of 2008 was charged to state funds. As such, since the Presidential Decree No. rises. 48/2007 the areas affected by the Lapindo mud grouped into two categories, namely: in the Affected Area Map region and outside Affected Area Map region.

4. Further, dated 23 September 2009 published Presidential Decree Number 40 Year 2009; later dated 27 September 2011 published Presidential Decree Number 68 Year 2011; dated 5 April 2012 rose Presidential Decree No. 37 of 2012, and last, on May 8, 2013 issue Presidential Decree Number 33 of. The core of this regulation is different to the addition of an area outside the Affected Area Map (PAT). Specialized in Perpes No. 33 of 2013 has started to set about the mechanism *panggantian* / exchange *waqf* land.

Second, Institutional Formation. In particular, to address various issues related to the Sidoarjo mudflow disaster, the government set up an agency, namely: the Sidoarjo Mudflow Mitigation Agency (BPLS: Badan Penanggulangan Lumpur Sidoarjo) which is regulated by Decree of the President of the Republic of Indonesia Number 14 Year 2007 concerning the Sidoarjo Mud Mitigation Agency. This regulation established by the Sidoarjo Mudflow Mitigation Agency (BPLS) in charge of the response to the mud flow, mudflow handling, dealing with social issues and infrastructure caused by the mudflow in Sidoarjo, with attention to the smallest environmental risks. Furthermore the Sidoarjo Mudflow Mitigation Agency (BPLS) reported performance of its duties to the President.

BPLS consists of the Governing Board and the Executive Board. The Steering Committee is responsible for providing direction, guidance and supervision of the implementation of the mudflow prevention efforts, mudflow handling, handling social issues and infrastructure caused by the mudflow in Sidoarjo, which implemented Executive Agency. The Steering Committee consists of: Chairman: Minister of Public Works, and member; Vice Chairman: Minister of Social Affairs; concurrent Member; Members: Minister of Finance, Minister of Energy and Mineral Resources, Ministry of Home Affairs, Minister of Marine and Fisheries, Minister of Transportation, Minister of State for Planning National Development Planning / Head of National Development Planning Agency, Ministry of Environment, the National Land Agency, the Governor of East Java, the regional military commander V / Brawijaya, East Java Regional Police Chief, and Regent of Sidoarjo. The organizational structure of the Executive Board consists of: Head of the Executing Agency, Deputy Head of the Executing Agency, the Secretary of the Executive Board, Deputy for Operations, Deputy Social Affairs, and Deputy of Infrastructure.

Efforts made by BPLS include handling the Lapindo mudflow and handling socio-civic problem solving as the impact of the Lapindo mudflow. In efforts to address problem solving social, BPLS program include: social assistance, social protection, and social recovery. Social assistance is given in the form of: medical aid and clean water and aid money contracts, cash evacuation and life assurance money. Social protection is given in the form of the process of buying and selling land and buildings owned by Lapindo mudflow disaster victims both by PT MLJ or by BPLS. While the process is given in the form of social recovery: training activities (sewing shoes, ribbon embroidery, gold carpentry, automotive, modes, processed food, sewing machine technician,

entrepreneurship, disaster response, and poultry), and extension activities and dissemination of information.

Third, Budget Allocation. Determination of Sidoarjo mudflow affected areas are divided into two categories, namely: First, areas that belong to the Affected Area Map, and Second, outside the regions including Affected Area Map. The impact of the mudflow handling funds in the Area Affected Map region is the responsibility of PT. Lapindo Brantas Inc., While the mudflow handling funds that are outside the region Affected Area Map is the responsibility of the government through the state budget.

The total government budget to absorb state budget funds, to control the Lapindo mudflow has as much 6.2 trillion rupiah. Budget was calculated from 2008 to 2013. While budget allocations in 2007 amounted to 505 billion rupiah taken from the emergency budget item. The details are as follows: 2008 budget of 1.1 trillion rupiah, 2009 amounted to 1,147 trillion rupiah, 2010 amounted to 1.216 trillion rupiah, 2011 amounted to 1.286 trillion rupiah, 2012 amounted to 1.533 trillion Rupiahdan 2013 amounted to 2,256 trillion rupiah³⁰.

In accordance with the mandate of Law No.. 24 Year 2007 on Disaster Management, the Indonesia Central Government was in charge of the implementation of disaster management, both in the event of natural disasters, non-natural disasters, and social disaster. Responsibility of the Indonesia Central Government in Disaster Management include: (1) integration of disaster risk reduction and disaster risk reduction into development programs, (2) Protection of the public from the effects of disasters, (3) Guarantee the fulfillment of rights and refugee communities affected fairly and in accordance with the minimum service standards, (4) recovery from disaster conditions, (5) Allocation of budget disaster management in the state budget revenues and expenditures are adequate; (6) Allocation of budget disaster management in the form of ready-made funds (funds that backed the government is ready to use funds in case of a disaster), and (7) Maintenance of records / documents authentic and credible than the threat and impact of disasters.

While the authority of the Indonesia Central Government in Disaster Management include: (1) Establishment of disaster management policy in line with national development policies, (2) Preparation of development plans that incorporate elements of disaster management policies, (3) Determination of the status of disaster and national and regional levels; (4) Determination of policy cooperation in disaster management with other countries, agencies, or other international parties, (5) Formulation of policies on the use of technology as a potential source of threat or hazard; (6) Formulation of policies to prevent and control dewatering natural resources exceeds the natural ability to do the recovery, and (7) Control of collecting money or goods that are national (including the granting of collecting money or goods that are under the authority of the national Minister of Social Affairs).

From the above explanation, the government intervention in handling the Sidoarjo mudflow disaster problems can be summarized as follows:

Table:
Government Intervensi Descripton
In Sidoarjo Mudflow Disaster

No.	Intervention	Specification	Evaluation Form
1.	Facilitation Policy.	Government issued Presidential Decree No.. 13/2006. Then Perpres. 14/2007, Presidential Decree No.. 14/2007, Presidential Decree No.. 48/2008, Presidential Decree No.. 40/2009, Presidential Decree No.. 37/2012, and Perpes No. 33/2013.	In principle this government policy regulates matters relating to: the division of the territory outside PAT & PAT, payment mechanisms sale of land and building assets, BPLS basic formation, and guarantee the allocation of the state budget. Notes: (1) This policy suggests residents as the seller is not a victim, and (2) Nothing in the regulation governing the recovery of social-ecological life damaged by Lapindo mudflow disaster.
2.	Institutional formation.	PSLs National Teams formed then replaced with BPLS.	Task: dealing with the mudflow mitigation efforts, handles mudflow, dealing with social issues and infrastructure. Note: Focus BPLS in tackling socio-civic issues is still lacking.
3.	Facilitation Fund / Budget Allocation.	Government to allocate funds through the State Budget: 2007, 2008, 2009, 2010, 2011 & 2013.	Until the year 2013 the total budget allocation of Rp 6.2 trillion. These funds are mostly used for: payment of the sale of land and buildings owned by the victim's out PAT, closing burst and jetting mud, and handling social issues. Note: Portions of the budget for social-community problem-handling is still a relatively small.

CONCLUSIONS AND SUGGESTIONS

From the description of the results of the study as described above, it can be concluded as follows:

Social advocacy to victims of the Lapindo mudflow disaster take place by NGOs in the form of litigation and advocacy. NGOs active in social advocacy to victims of the Lapindo mudflow disaster such as Indonesian Environmental Forum (Walhi) East Java, and the Indonesian Legal Aid Foundation (YLBHI).

While government intervention in the form: policy, institutional formation, and the allocation of funds. Government policies in an effort to overcome the problems stated Lapindo mudflow disaster in the form of Presidential Decree, such as: (1) of Presidential

Decree No.13/2006, (2) Presidential Decree No.. 14/2007, (3) Presidential Decree No. 48 of 2008, (4) Presidential Decree No. 40 of 2009, (5) Presidential Decree Number 68 Year 2011; (6) Presidential Decree No. 37 of 2012, and (7) Perpes No. 33 of 2013. From the institutional aspect, manifested in the form of government intervention team formation Sidoarjo Mudflow Management Agency (PSLs), which is then replaced with the Sidoarjo Mud Mitigation Agency (BPLS). In terms of budget, the government intervention is realized in the form of a Budget allocation policies in the state budget until 2013 is already absorb about 6.2 trillion rupiah.

While the advice that can be given is associated with subsequent research program, which is essential for the observed and studied in detail matters relating to the implementation of disaster management in handling the Lapindo mud disaster issues, which include: mitigasi phase, the phase of emergency response, and recovery phases.

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